

Prob 12
(Rev. 3/88)

**UNITED STATES DISTRICT COURT
For The
WESTERN DISTRICT OF PENNSYLVANIA**

U.S.A. vs. Kimberly A. Daugherty

Docket No. 02-00038-002 Erie

Petition on Supervised Release

COMES NOW Theodore W. Johnson, CHIEF PROBATION OFFICER OF THE COURT, presenting an official report upon the conduct and attitude of Kimberly A. Daugherty, who was placed on supervision by the Honorable Sean J. McLaughlin sitting in the Court at Erie, Pennsylvania, on the 19th day of December 2003, who fixed the period of supervision at three years and imposed the general terms and conditions theretofore adopted by the Court and also imposed special conditions and terms as follows:

- The defendant shall not commit another federal, state, or local crime.
- The defendant shall not illegally possess a controlled substance.
- The defendant shall not possess a firearm, destructive device, or any other dangerous weapon.
- The defendant shall participate in a program of testing and treatment for substance abuse, as directed by the probation officer, until such time as the defendant is released from the program by the probation officer. Further, the defendant shall be required to contribute to the cost of services for any such treatment in an amount determined by the probation officer, but not to exceed the actual cost.
- The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter.
- The defendant shall pay a special assessment of \$100.

12-19-03: Conspiracy to Distribute and Possess With Intent to Distribute Powder Cocaine; 5 months' incarceration; 3 years' supervised release.

11-26-04: Released to supervision; Currently supervised by U.S. Probation Officer Matthew L. Rea.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT AND FOR
CAUSE AS FOLLOWS:**

Your Petitioner reports that the supervised releasee was arrested by the Erie Police Department on or about November 18, 2005, for Driving Under the Influence of Alcohol (DUI). While driving, she struck a parked car and then a house, damaging the front porch. She had a strong odor of alcohol on her breath, bloodshot and glassy eyes, slurred speech, and staggered while walking after the accident. The defendant refused a blood test that would have determined her Blood Alcohol Content (BAC).

On November 23, 2005, the supervised releasee signed Probation Form 49, Waiver of Hearing to Modify Conditions of Probation/Supervised Release, in which she agreed not to use, possess, or purchase alcohol. Mrs. Daugherty indicated that she was amenable to the modification.

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PRAYING THAT THE COURT WILL ORDER the supervised releasee not use, possess, or purchase alcohol.

ORDER OF COURT

Considered and ordered _____ day of
_____, _____ and ordered filed and
a part of the records in the above case.

U.S. District Judge

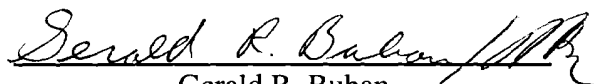
I declare under penalty of perjury that
the foregoing is true and correct.

Executed
on

12-07-05



Matthew L. Rea
U.S. Probation Officer



Gerald R. Buban
Supervising U.S. Probation Officer

Place: Erie, PA

PROB 49
(3/89)

United States District Court

Western District Of Pennsylvania

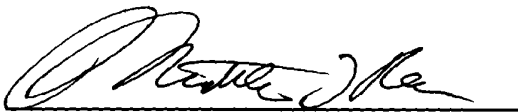
Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

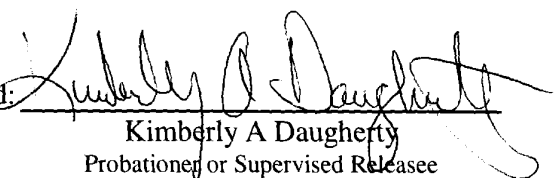
You shall not use, possess, or purchase alcohol.

Witness:



Matthew L Rea
United States Probation Officer

Signed:



Kimberly A Daugherty
Probationer or Supervised Releasee

11/23/05
Date